III.   REMARKS

Claims 10-12, 14-17, 19, 23-24, 32-33, and 36-37 are pending in this action. Claims 10-12, 14-17, 19 and 23-24 are rejected under 35 USC 103(a) as allegedly being unpatentable over Verbeke (US 2004/0098447) in view of Greenfield (US 4931928) in further view of Kataoka (US 5862382).   Claims 32-33 and 36-37 were rejected under 35 USC 103(a) as allegedly being unpatentable over Verbeke in view of Ekkel (US 2003/0088571) further in view of Greenfield and further in view of Kataoka. Claims 10, 15, 23, 24, 32 and 36 have been amended. Applicant respectfully traverses the 35 USC 101 and 103(a) rejections for the reasons provided below.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

A. REJECTION OF CLAIMS 10-12, 14-17, 19, 23-24, 32-33, and 36-37 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections of claims 10-12, 14-17, 19 and 23-24 over Verbeke in view of Greenfield in further view of Kataoka; and claims 32-33 and 36-37 over Verbeke in view of Ekkel further in view of Greenfield and further in view of Kataoka, Applicant asserts that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention.

Specifically, the combined references cited by the Office fail to teach or suggest each and every feature of claim 10 (and similarly claims 15, 23, 24, 32 and 36), as amended. Claim 10 (and similarly claims 15, 23, 24, 32 and 36) has been amended to recite, *inter alia*: "recognizing at least one programming language of the source code; analyzing sections of the source code; indexing relevant portions of the source code based on the at least one programming language, wherein the relevant portions include comments, type names and method names; recognizing and indexing at least one source code dependency corresponding to the source code; recognizing a set of code type hierarchies associated with the source code; and indexing the code types in the recognized set of code type hierarchies." Support for these amendments may be found, for example, in paragraph [0035] of the specification.

Prior to these amendments, the Office cited Kataoka alleging this reference disclosed "recognizing and indexing a graph of source code dependencies corresponding to the source code" Col. 5 lines 59-67 and "recognizing and indexing a set of code types hierarchy associated with the source code" Col. 6 lines 17-33. Final Office Action p.8. Kataoka does not teach or suggest: "recognizing and indexing at least one source code dependency corresponding to the source code." The referenced section of Kataoka (Col. 5 l ines 59-67) states, *inter alia* "relation information extracting means extracts relation information representing the relation among data items for each position in the source code." The "relation" of Kataoka is "among data items." The claimed invention recites "dependency corresponding to the source code." Thus Kataoka fails to teach or suggest this feature of claim 10 (and similarly claims 15, 23, 24, 32 and 36), as amended.

For similar reasons, Kataoka does not teach or suggest "recognizing a set of code type hierarchies associated with the source code; and indexing the code types in the recognized set of code type hierarchies." The cited reference to Kataoka Col. 6 lines 17-33 states in part "relation information consists of two structures." The reference to "relation" appears to be based upon the previously discussed reference. Accordingly and for the same reasons, Kataoka does not teach or suggest this feature of claim 10 (and similarly claims 15, 23, 24, 32 and 36), as amended.

Further and specifically, the combined references cited by the Office fail to teach or suggest each and every feature of claim 32 (and similarly claim 36), as amended. Claim 32 (and similarly claim 36) has been amended to recite, *inter alia*: "analyzing working code on a receiving node in the network to identify a context of the working code, and assigning at least one predetermined category to the working code based on the identified context; querying a directory using the at least one predetermined category assigned to the working code to identify at least one predetermined category assigned to source code that at least one of matches or corresponds to the assigned category to the working code; returning a list of categories; selecting at least one category from the list of categories; retrieving the source code from a sharing node in the network to the retrieving node based on the at least one category selected from the list of categories, wherein the retrieving comprises querying a search engine corresponding to the sharing node to retrieve the source code;." Support for these amendments may be found, for example, in paragraph [0037] of the specification.

Prior to these amendments, the Office cited Verbeke alleging this reference disclosed the "analyzing working code" step Col. 17:0188-1089; the "querying a

directory" step Col. 52:0642-0645; and the "retrieving the source code" step Col. 15:0180-0181. Final Office Action p.13. Verbeke does not teach or suggest these features of claim 32 (and similarly claim 36), as amended.

The Office cites to Verbeke Col 15:0180-0181 in support of its allegations that Verbeke teaches "retrieving the source code from a sharing node in the network to the retrieving node based on the at least one predetermined category assigned to the source code." Final Office Action p.13. Verbeke does not teach or suggest this feature of claim 32 (and similarly claim 36), as amended, "retrieving the source code from a sharing node in the network to the retrieving node based on the at least one category selected from the list of categories."

Similarly, the Office cites to Verbeke Col 15:0180-0181 in support of its allegations that Verbeke teaches "analyzing source code generated on a sharing node in the network to identify a set of code patterns" of claim 10 (and similarly claims 15, 23, 24, 32 and 36). Final Office Action p.6.

In support of this reference to Verbeke and allegations the Office cites: "...that share a common set of interests and access any computer content (code, data, applications,..." from the reference.

The referenced sentence of Verbeke in its entirety states "A peer group is a collection of peers connected by a network that share a common set of interests and that have agreed upon a common set of rules to publish, share and access any computer content (code, data, applications, or other collections of computer representable resources), and communicate among themselves." This reference does not teach or suggest "analyzing source code generated on a sharing node in the

network to identify a set of code patterns." This reference does not teach or suggest "retrieving the source code from a sharing node in the network to the retrieving node based on the at least one category selected from the list of categories." Greenfield and Ekkel do not cure the deficiency.

The reference describes "shar[ing] a common set of interests" and "agree[ing] upon a common set of rules to publish, share and access any computer content." The referenced citation does not teach or suggest "analyzing source code" as recited in claims 10 (and similarly claims 15, 23, 24, 32 and 36), as amended.   The referenced citation does not teach or suggest "retrieving the source code" as recited in claim 32 (and similarly claim 36), as amended. There is no reference to "analyzing" or to "analyzing source code." There is no reference to "retrieving" or to "retrieving the source code."   Accordingly, Verbeke does not teach or suggest each and every feature of claims 10, 15, 23, 24, 32 and 36, as amended.

Applicant submits that the combined references cited by the Office fail to teach or suggest each and every feature of claims 10, 15, 23, 24, 32 and 36. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/David E. Rook/

Date: January 20, 2009

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